

# THE SENATE KEEPS ITS WORK AHEAD AND AWAITS ACTION OF THE HOUSE

## SENATE—SEVENTEENTH DAY.

### Morning Session.

There was little for the Senate to do when called yesterday, for the order of the day was a clean page. Down in the House there were ten of the Senate bills awaiting action and so long as they are held up just so long will the Senate be taking recesses. Everything up stairs has been cleared and the Senators roll their thumbs while the House keeps the temperature of the lower chamber at fever heat.

When it comes to acting on House Bill No. 98, relating to park reserve on Punchbowl there will probably be a fight in the Senate. That there is a coon in the woodpile is strongly suspected and Representative Lelelewi is the innocent promoter of a measure that looks like a job.

### ONE ITEM OMITTED.

An oversight on the part of the Superintendent of Public Instruction caused a flutter among the members of the Educational committee yesterday. Senator Brown had introduced a resolution last week appropriating the sum of three thousand dollars for furniture in the Hilo High school. The item should have been placed in the deficiency bill but the Superintendent forgot, or overlooked it in the rush. When it was discovered the bill had passed third reading in the House and was back in the Senate with an amendment. Under the rules the item could not be inserted so the chairman of the committee introduced a special bill for the amount. To get this through will take five or six days and perhaps longer.

A communication from the Secretary informed the Senate that the Governor had signed Acts 2 and 6.

An amendment was made to Senate Bill No. 36, so that there is an item of \$750 inserted in the appropriation for the use of departments for the construction of a jail fence and out-house at the Wailuku jail.

House Bill No. 47, amending Section 115 of the Session Laws passed first reading and was referred to the Miscellaneous committee.

House Bill No. 98, relating to the setting apart of a portion of the lands at Punchbowl as a public park, passed first reading.

### PINEAPPLE LANDS BARRED.

Senator Hayselden has closely investigated the claims of the pineapple growers for further tax exemption and arrived at the following conclusion as reported from the Lands committee yesterday:

Your Committee on Public Lands report having had under consideration Senate Bill No. 44, relating to the exemption from taxation of property used in certain industries.

Your committee finds that there are several well established pineapple concerns doing business in this industry in the Territory, having material evidence of prosperity; so much so, that we feel safe in saying that they have passed the experimental stage. They are here to stay, and those now entering this field of enterprise know exactly what conditions will have to be met and the probable results of their efforts.

We desire to call the attention of the Senate to the fact that this industry is exempt from taxation up to April 23rd, 1908. (See Revised Laws, 1905, Section 1223.)

The other exemptions named in the bill are still in the experimental stages and very little has been so far demonstrated concerning them and we recommend that the time extension provided for in the bill be granted them, but denied as to the above named industry. We therefore recommend the passage of the bill with the following amendment:

In Section I, line 6, strike out the word "pineapples."

House Bill No. 96, amending Act 1409, relating to the sale of tobacco and cigars, passed first reading.

Senate Bill No. 44 was then brought up for passage but on motion of Senator Dowsett action was deferred until the afternoon session.

Senator Chillingworth gave notice of his intention to introduce a bill providing for the refunding of the bonded indebtedness of the Territory and another providing a method by which corporations will file an application for permission to increase their capital stock.

Senator Smith from the Judiciary committee reported as follows on Senate Bill No. 18:

The Judiciary committee has had under consideration House Bill No. 18, entitled "An Act to amend Section 1 of Act 84, Session Laws of 1905 relating to attachments, and recommend the passage of the bill."

The existing statute provides that writs of attachment shall be delivered to the high sheriff of the Territory, or his deputy, to be served; while the bill under consideration proposes to amend the statute by providing that such writs may be served by the high sheriff, or his deputy, or any other sheriff, or his deputy. The provisions of the bill seem to be reasonable and intended to facilitate the service of the process.

The report was adopted and the bill passed second reading.

The same Senator reported as follows on House Bill 37:

The Judiciary committee has had un-



MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE FOURTH LEGISLATURE.

### Afternoon Session.

der consideration House Bill No. 37, entitled "An Act relating to procedure in divorce cases, amending Sections 2230 and 2231 of the Revised Laws."

The committee approves of the proposed amendments, but as Section 1, amending section 2230 of the Revised Laws of the bill set forth only that portion of the section which is amended, we recommend that Section 1 of the bill be amended so as to read as follows:

"Section 1. Section 2230 of the Revised Laws is hereby amended so as to read as follows:

"Section 2230. All proceedings for divorce shall be commenced by libel, to be signed by the libellant and sworn to, and the same shall set forth the marriage of the parties and the cause of divorce with sufficient particularity to constitute a case for judicial action. Such libel shall be filed in the office of the clerk of the Circuit Court and upon the filing thereof a writ of summons, with the libel annexed, shall be issued under the seal of the court by the clerk, directing the high sheriff or his deputy, or the sheriff of the county or his deputy, to summon the libellee to appear twenty days after service before the circuit judge at chambers to answer the libel. Such summons and libel shall be served by delivering certified copies thereof to the libellee personally."

Section 2 of the bill sets forth section 2231 of the Revised Laws as amended by the bill and needs no correction.

An Act Relating to Procedure in Divorce cases, amending Sections 2230 and 2231 of the Revised Laws. Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2230 of the Revised Laws is hereby amended so as to read as follows:

"Section 2230. All proceedings for divorce shall be commenced by libel, to be signed by the libellant and sworn to, and the same shall set forth the marriage of the parties and the cause of divorce with sufficient particularity to constitute a case for judicial action. Such libel shall be filed in the office of the circuit court and upon the filing thereof a writ of summons, with the libel annexed, shall be issued under the seal of the court by the clerk, directing the high sheriff or his deputy, or the sheriff of the county or his deputy, to summon the libellee to appear twenty days after service before the circuit judge at chambers to answer the libel. Such summons and libel shall be served by delivering certified copies thereof to the libellee personally."

Section 2. Section 2231 is hereby amended so as to read as follows:

"Section 2231. No person shall be entitled to a divorce unless the libellee shall have been served personally with process if within the Territory, or shall have entered an appearance in the case; provided that, if it shall appear by return of the summons or by affidavit or otherwise to the satisfaction of the judge that the libellee is without the Territory, the judge may authorize notice of the pendency of the libel and of the time and place of hearing to be given to the libellee personally by such person and in such manner as he shall designate, or, if it shall further appear to his satisfaction by affidavit or otherwise that the libellant does not know the address or residence of the libellee and has not been able to ascertain either after reasonable and due inquiry and search for six months after the filing of the libel, the judge may authorize such notice to be given to the libellee by publication thereof at least once a week for six successive weeks in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings published in the Territory, and may hear and determine the case at or after the time specified in such notice, which shall be not less than thirty days after the giving of such personal notice or the last publication of such published notice, as the case may be."

Section 3. This Act shall take effect upon its approval.

The report was laid on the table to be considered with the bill.

At this stage of the proceedings the rules were suspended to allow the introduction of a special bill by Senator Hewitt asking for an appropriation of three thousand dollars for the furnishing of Hilo High school.

Senator Smith, from the Judiciary committee, reported favorably on the bill relating to an additional number of election booths in the polling places.

Recess was taken at 10:30 until 2 p. m.

When the pineapple bill was called Senator Dowsett asked that it be read section by section. With the bill was read the report submitted by the committee during the morning session.

As the present exemption law does not expire until April Senator Hewitt moved that the bill be amended to read "April 23, 1908," and striking out after the words from "January 1, 1908."

Senator Dowsett moved the following amendment: "For five years from December 31st, seal, etc., shall be exempt from property tax (the bill reads 'all taxes'). In support of this amendment he spoke of some growers who are claiming exemption from all taxes. The man who is in the industry solely to make it a success in some instances is paying five to fifty dollars an acre per annum rental and the owner of the land claims exemption from income tax to that amount."

Senator Smith agreed with Senator Dowsett regarding the property tax but asked that pineapples be left in the bill on account of the men who have recently gone into the business of cultivating them on Hawaii. On Oahu the cultivators do not need the exemption but on the other islands they do.

The motion to insert was lost. Senator Hewitt moved to insert the word "arrowroot" after "cassava."

Carried.

Senator Dowsett moved the passage of the bill on second reading as amended and the motion carried.

Representative Sheldon, with the aid of his colleagues, is doing a little bit of class legislation that will certainly put the house in a ridiculous light. Mr. Sheldon does not want any material for use on government work, purchased from aliens. In this connection some of the people in the "visitors' gallery" are asking themselves if Sheldon is so prejudiced against aliens that he will not deal in a Nuuanu street store while in the city or patronize a Chinese coffee shop on Kaula. The bill passed first reading in the Senate.

House Bill No. 48, relating to barber shops, and House Bill 56, relating to deputy high sheriffs, also House Bill 64, relating to counties, passed first reading.

Senator Kalama, from the Miscellaneous committee, under suspension of the rules, reported on House Bill No. 27, relating to the sale of salt salmon. The report contained a recommendation that the words "date of its approval" be stricken from the bill and "from and after July 1, 1907," be inserted. The report was laid on the table to be considered with the bill.

Senator Smith reported as follows on Senate Bill No. 41:

The Judiciary committee report consideration of Senate Bill No. 41, entitled "An Act to Regulate the Conduct of the Trial of Civil and Criminal Causes and to Repeal Section 1797 of the Revised Laws of Hawaii."

Section 1797 of the Revised Laws relates to the order of proof and argument in the conduct of jury trials, as follows:

"The Territory, or plaintiff as the case may be, shall be entitled to open the case to the jury and to present the proofs. The defendant, or his counsel, shall first, after the close of the evidence, address the jury upon the facts; after which the opposite side shall be entitled to the closing argument upon the facts."

Likewise in Section 1768 of the Revised Laws it is provided that in every civil case when all the evidence has been closed, the defendant shall sum up his defense to the court and jury and the plaintiff shall have the right to close the debate after the defendant has fully ceased.

The bill under consideration provides the order in which the prosecuting officer or plaintiff and the defendant shall respectively present evidence, and when the evidence is concluded the prosecuting officer or plaintiff, as the case may be, must open the argument and fully and fairly state his theory of the case and the reasons which entitled him to the verdict; the defendant may then reply, and the prosecuting officer or plaintiff, as the case may be, may conclude the argument."

We believe the provisions of the act are good but that the prosecuting officer or plaintiff, in his reply to the defendant's argument should be restricted to new matter or arguments presented by the defendant or his attorney.

Furthermore, we believe that this manner of conducting a trial should not only be confined to jury trials but

should follow in the trial of all cases whether civil or criminal in any court of the Territory. Therefore we have amended the bill accordingly and submit an amended copy herewith, which we recommend be enacted.

An Act to Regulate the Conduct of the Trial of Civil and Criminal Causes, Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The trial of every criminal and civil cause in any court of the Territory shall proceed in the following order, that is to say:

1. The prosecuting officer, or plaintiff, as the case may be, and the defendant, or his attorney, may state their respective cases;

2. The prosecuting officer, or plaintiff, as the case may be, must then produce the evidence on his part;

3. The defendant may then open his defense and offer his evidence in support thereof;

4. The parties may then respectively offer rebutting evidence only;

5. When the evidence is concluded, unless the case is submitted on either side or both sides without argument, the prosecuting officer, or plaintiff, as the case may be, must open the argument and fully and fairly state his theory of the case and the reasons which entitled him to a verdict; the defendant may then reply, and the prosecuting officer, or plaintiff, as the case may be, may conclude the argument and in such conclusion to confine himself to answering any new matter or arguments presented by the defendant or his attorney.

Section 2. All acts and parts of acts inconsistent with, or repugnant to, this act are hereby repealed.

Section 3. This act shall take effect from and after the date of its approval. House Bill No. 27 was then taken from the table. Senator Makekua moved that the report be adopted.

Senator Smith moved indefinite postponement for the reason that it is a health matter and the license would enable the government to locate and condemn fish of this nature that had become unfit for food.

Senator Hewitt asked if bad salmon could not be sold under a license as well as without.

Senator Dowsett called attention to the fact that there is a pure food law in operation here and it would reach violators.

Senator Chillingworth supported Senator Smith and stated that the pure food law was not being enforced here, that there is a section of the law relating to liquids and a reported violation of it is a matter of record.

Action on the bill was deferred.

House Bill 37 and the report were taken up on motion of Senator Makekua, action was deferred until Wednesday afternoon.

When Senate Bill No. 41 was taken up Senator Makekua moved that it be amended as suggested by Senator Smith. He did not consider it right to amend the report while the bill had not yet passed. The President explained the situation and the bill passed second reading by the adoption of the report.

Senator Hewitt, under a suspension of the rules, reported from the Education committee as follows:

Honolulu, Mar. 12, 1907. Hon. E. F. Bishop, President of the Senate.

Sir: Your Committee on Education to whom was referred House Bill No. 72, beg leave to report: The bill is a copy of the present law relating to truancy and provides for an increase of the penalty, being in all other respects the same as the existing law and we respectfully recommend its passage.

Senator Dowsett moved adoption of the report.

Senator Smith said the present law imposed a fine of five dollars and he could not understand why it should be jumped to \$50. Senator Hewitt replied that he knew of children of school age working for \$18 a month having been arrested and fined. They did not mind the small penalty while they will dodge the larger one by going to school.

The report was adopted.

House Bill No. 112, relating to public health, and House Bill No. 113, relating to use of autos and motor vehicles within the district of Honolulu, passed second reading.

The House reported passage of Senate Bills Nos. 40, 35 and 6.

Senator Coelho then moved adjournment until this morning.

The S. S. Enterprise and the U. S. Iroquois, both from Honolulu, arrived at San Francisco, March 2.

## THE SHIPPO IS "BEEFING"

Herewith are presented further translations from local Japanese papers on the new immigration law. It will be seen the Shippo bitterly repulses any showing of the olive branch to the Japanese in the matter. The Jiyu cordially welcomes, on the other hand, the friendly sentiments of the Advertiser toward its people:

(From Hawaii Shippo, Mar. 5).

THE ADVERTISER'S ERROR.

The school question has been settled at last but in such a manner as to be particularly satisfactory to Ambassador Aoki, the Hawaiian planters and the San Francisco "boxers," therefore we extend our congratulations to these parties only. However, the Advertiser's queer opinion in regard to the settlement, as it appeared in its editorial of 28th ultimo, ought not to be passed without some reproof on our part. The paper says:

"The actual text of the law does not seem to bear out the impression of our local Japanese contemporaries that their country has been worsted in diplomacy. The point which Japan most assiduously sought, that of getting her children fairly treated in San Francisco schools, has been gained; and in emigration matters she has lost nothing which she did not originally concede as a legal possibility in the terms of the treaty of 1894."

And again it says: "By its terms the public will see that while Japanese laborers are not formally excluded from the United States proper, the President, if convinced that they have obtained passports to the insular possessions of this country or to the Canal Zone or to any foreign country (as Mexico or Canada) for the purpose of entering the mainland territory therefrom, may proceed to shut them out."

We think such opinion is so irrational that it is good only for a fool. According to the advice from Delegate Kuhio, the text of the new immigration law is substantially identical with the suggestion made by Mr. McClellan, the Delegate's private secretary, to Representative Hayes and others in December. While the text of the law appears as generally applicable to all nationalities, the intention of the law is to provide the Hawaiian planters with staple labor; or in other words, to deprive the Japanese in Hawaii of their right of traveling and make them slaves to the planters.

Secretary Root, who is supposed to have drafted the law, cabled to Governor Carter to the effect that the Japanese with passports for Hawaii only are not permitted into the mainland, but he has not, as far as we know, notified authorities in any other place about the shutting out of other nationalities.

This would show that the spirit as well as the practical application of the law is so shut out entirely from the mainland; therefore, in its effect, there is no choice between the tenderly phrased new law and the exclusion of the Japanese. How can anyone deny that this is not only detrimental to our interests but a great disgrace upon our honor?

You do not wrap up a dirty thing in a silken handkerchief and make it a present to your friend. The new law is a similar outrage upon the dignity of Japan, and we know it as long as we are not fools. At any rate Ambassador Aoki being such a "great" man, who wasn't a bit sorry to lose the Liaotung peninsula, we need not be surprised at seeing him again being liberal toward America in the concession of our right. What has been done we can not undo it now, but the disgrace is disgrace and it shall remain so forever. We wish to show the Advertiser and the Americans at large that we know the real value of their present in the form of the new immigration law. However, our consolation is that Ambassador Aoki will not live forever; neither Mr. Hayashi will hold his chair as our foreign minister permanently; and that the day will come at the expiration of the term in the agreement when we can strive to recover our lost right.

(From the Jiyu.)

Of late the Advertiser is paying more attention to the opinions expressed in Japanese papers. It has introduced our opinions on the new immigration law to its readers, translating the various editorials in our vernacular.

The translation itself is free from very common blunders that foreign papers are guilty of in such attempts. It is a concise and yet comprehensive translation of editorials in different Japanese papers. We are glad to see the Advertiser undertaking such a course which will surely bring a better understanding between each nationality in this cosmopolitan community. We wish to extend our hearty congratulations to our English contemporary for its faithfulness toward the readers of the paper.

At the opening of the present term of the Fifth Circuit Court at Lihue, last Wednesday morning, Kauai's genial sheriff, Mr. W. H. Rice, Jr., was surprised and very much pleased with the presentation of an elegantly made gold badge, diamond set, from his subordinate officers as a token of high esteem and affection they entertain toward their superior officer. Mr. Rice ought to be very proud of the badge as well as for the esteem his officers and the community on the Garden Isle hold toward him. The following letter accompanies the present.

"We, the undersigned, deputy sheriffs and police officers of the County of Kauai, hereby present you with a gold badge significant of your office as Sheriff of the said County of Kauai, as a token of our appreciation for the courtesy and kind treatment received from you as our superior officer."

(Signed)

"Dated Lihue, Kauai, March 6, 1907."

Chief officer Ansell, formerly of the transport Sheridan, has been made master of the steamer Homer.

SHERIFF RICE IN HIGH REGARD

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## THE INROADS OF DISEASE

The ladies of the College club are considering establishing a nurse to aid in the suppression of tuberculosis and for their information President Pinkham of the Board of Health, has had made the following list showing the number and nationality of deaths from tuberculosis in the district of Honolulu for eighteen months immediately previous to December 31, 1906:

Nationality.	Home.	Residences.	Total.
American	7	4	11
British	1	3	4
German	0	1	1
Spanish	0	1	1
Portuguese	3	6	9
Porto Rican	7	1	8
Hawaiian	2	79	81
Part Hawaiian	1	6	7
Samoan	1	0	1
Chinese	1	43	44
Japanese	3	32	35
Korean	6	2	8
Others	0	1	1

The deaths at Leahi Home have been largely due to the fact that patients only consent to go to the home when their cases are well nigh hopeless.

At present there are quite a number of patients at the home who appear to be making considerable improvement under the open air treatment.

The Chinese afflicted with tuberculosis, as a rule stay in the country till the disease has obtained a firm grip on them. Then they come to town and waste away in the Chinese "rest" houses.

## THE LOS ANGELES HAVING GREAT TIME

HILO, March 12.—Another party of the Los Angeles visitors went to the Volcano today.

Those who went yesterday are loud in praises of the magnificence of the sight.

The visitors say they are enjoying themselves thoroughly.

Excursions of various sorts have been arranged for detachments of the visitors.

There has been much private entertaining done.

Many people have found old acquaintances or friends among the visitors.

Arrangements for the luau on Wednesday indicate that it will be one of the greatest affairs of the kind ever given in Hilo.

## FAMILIES ON THE S. S. HELIOPOLIS

A meeting of the Board of Immigration was held yesterday afternoon for the purpose of discussing a cablegram received from Commissioner Stackable to the effect that there are 471 families aboard the S. S. Heliopolis bound here from Malaga.

The families comprise 538 males, 517 females and 1146 children of fifteen years and under.

## A SILLY SAYING.

"It is a common but silly opinion prevailing among a certain class of people that the worse a remedy tastes, smells or hurts, the more efficacious it is."

So says a well-known English physician. He further adds: "For example, let us consider cod liver oil. As it is extracted from the fish this oil is so offensive to the taste and smell that many cannot use it at all, no matter how badly they need it."

Yet cod liver oil is one of the most valuable drugs in the world and it is the greatest pity that we have not thus far been able to free it from those peculiarities which so seriously interfere with its usefulness." This was written years ago; the work of civilizing and redeeming it has since been triumphantly accomplished; and as a leading ingredient in the remedy called WAMPOLE'S PREPARATION

the oil retains all its wonderful curative properties with no bad smell or taste whatever. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and Extracts of Malt and Wild Cherry; creating a medicine of unequalled power for the diseases most prevalent and fatal among men, women and children. There is no other remedy to compare with it. It increases the digestive power of the stomach and in Blood Impurities, Throat and Lung Troubles, Nervous Dyspepsia and Scrofulous Affections it gives quick and certain relief and cure. Dr. G. C. Shannon, of Canada, says: "I shall continue its use with, I am sure, great advantage to my patients and satisfaction to myself." Has all the virtues of cod liver oil; none of its faults. You may trust it fully; it cannot disappoint you. At all chemists